

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America, :
 :
 Plaintiff, :
 :
 v. : Case No. 2:99-cv-0787
 :
 Noah F. Farmer, : JUDGE HOLSCHUH
 :
 Defendant. :

REPORT AND RECOMMENDATION

This case was set for a show cause hearing on May 23, 2005 at which the defendant was to appear and show cause why he should not be held in contempt for failing to comply with earlier orders of the Court requiring him to appear for a judgment debtor examination. The file reflects that the defendant did not receive mailed notices of the contempt hearing. At the hearing, the defendant did not appear. Counsel for the United States requested additional time to attempt to locate a valid address at which the defendant could be served with a show cause order. Consequently, it is recommended that the Court take no further proceeding on this matter at this time, and that the United States be given 30 days within which to advise the Court if a more current address for the defendant is available, at which time the show cause order should be re-served on the defendant.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within ten (10) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo

determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp
United States Magistrate Judge